

REMARKS

This responds to the Office Action mailed on May 2, 2007.

Claims 26, 27, 29 and 30 are amended, claims 28 and 31 were canceled, and no claims are added; as a result, claims 16, 18-27 and 29-30 are now pending in this application.

Claim Objections

Claims 27 and 30 were objected to for containing Trademark information. Appropriate correction has been made in this response.

§102 Rejection of the Claims

Claims 26, 28-29 and 31 were rejected under 35 U.S.C. § 102(e) for anticipation by Cazemier et al. (U.S. 6,609,123).

Claims 26, 28, 29 and 31 have been amended to reflect what the Examiner noted to be patentable subject matter. Reconsideration and allowance of all remaining claims is respectfully requested.

Allowable Subject Matter

Claims 16 and 18-25 were allowed.

Claims 27 and 30 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that the amendments to claims 26 and 29 make this unnecessary.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEE E. KILMER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6909

Date July 23, 2007

By / Thomas F. Brennan /
Thomas F. Brennan
Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of July 2007.

KIMBERLY BROWN

Name

Kimberly Brown
Signature